ONG BLAND RAILROAD. PALL and ONG RELAND
A WENTER ARRANGEMENT.—(Sundays excepted)—
Inspine See: Leve Brooklyn for Greenport of 10 a m.;
Inspine See: Leve Brooklyn for Greenport of 10 a m.;
Brooklyn for Teshank at 10 a. m. and 3:45 p. m.; leave
socklyn for Sycaset at 4:20 p. m.; leave Brooklyn for Hempsocklyn for Sycaset at 4:20 p. m.; leave Brooklyn for Jada at 10 and 12 a. m., 3:45, 4:30, 5 and 6;30 p. m. AND ROUTE-NEW-YORK to PROVI-

Medical.

GENUINE HAARLEM OIL — Imported by CHARLES S. LITTLE & Co., and for sale at their Hardware stores.

Nos. 53 and 34 Faiton-st., at wholesale and retails been imported and kept for sale at the This celebrated Oil has been imported and kept for sale at the This celebrated Oil has been imported and kept for sale at the This celebrated Oil has been imported and kept for sale at the thing place for nearly a century, the stores naving been established in the year 1769 Persons using this valuable medicine, can always rely upon getting the genuice article.

HELMBOLD'S EXTRACT of BUCHU! HELMBOLD'S Extract of Buchs cures Gravel.

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MELMBOLD'S Extract of Buchu cures Dropsy.

MELMBOLD'S Extract of Buchu for General Weakness.

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HELMBOLD'S Extract of Buchu for all diseases arising from HELMBOLD'S Extract of Buchu for all diseases arising from HELMBOLD'S Extract of Buchu for Secret and Delicate Dis-BELMBOLD'S Extract of Buchu is taken by male and fe-

HELMBOLD'S Extract of Buchu for Loss of Memory. HELMBOLD'S Extract of Buchu for Loss of Power. HELMBOLD'S Extract of Buchu for Universal Lassitud Museular System. HELMBOLD'S Extract of Buchu for Nervous and Debili-HELMBOLD'S Extract of Buchu for Dimness of Vision. HELMBOLD'S Extract of Buchu for Difficulty of Breath

HELMBOLD'S Extract of Buchu for Weak Nerves and SELMBOLD'S Extract of Buchu for Wakefulness.

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DANDS' SARSAPARILLA .-- This invaluable medicine is composed entirely of vegetable ingredients, and if timely administered will speedly arrest and permanently cure all cerofulous and cutaneous craptions, and all diseases arising from an injudicious use of mercury; permeating the system through the circulation, it purifies the blood and rectifies the greetions, restoring the patient to sound and perfect health Prepared and sold by A. B. & D. SANDS, Druggists, No. 100 Patton at. Sold also by Druggists generally. THE GREAT LUNG

MASTA'S INDIAN TLMONIC BALSAM, FOR ALL DISEASES of the THROAT,

FOR HOARSENESS and SORE THROAT, it For COLDS and COUGHS, it affords immediate miles by the m

FOR BRONCHITIS, it is an effectual and certain

emedy. It has a specific applicability for all the DOR OROUP and HOOPING-COUGH, it af-fords immediate relief in all cases by its expectorant and attrapamode preperties, and by its power effectually to alley ritation of the liming membranes of the air-passages.

FOR CONGESTIVE and SPASMODIC DIS-EASES of the LUNGS, it gives positive rollef. Having sured many extraordinary cases, it is the most reliable remedy now before the public for that distressing disease, the Asthma. FOR BLEEDING from the LUNGS, it has extransingly efficacy in arresting all cases, by quickly check-ng under atterial excitement, and tending rapidly to restore and equalize the circulation throughout the system. FOR CONSUMPTION, it is the most RELI-

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in Medicines throughout the New Er gland States; also Medicines throughout the Medicines of New York, Brooklyn and Jersey City
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No. 42 Vesey-st, up stairs.

#### Legal Notices.

IN PURSUANCE of an order of the Surrogate of the County of New York notice is hereby given to all persists having elaims against NATHAN BANGS, Ja., late of the Gity of New York, occased, to present the same, with you chere thereof, to the subscriber, at his office, No. 29 William street, is the City of New York, on or before the fourth day of March neat.—Dated New York, the first day of September, 1887.

22 law@mW FRANCIS N. BANGS, Administrator.

IN PURSUANCE of an order of the Surrogate of the County of New-York, notice is hereby given to all persons having claims saalnit WILLIAM SYMES late of the City of New-York, deceased, to present the same, with vouchers thereof, to the subscriber, at her residence, No. 887 Third averse, in the City of New-York, on or before the seventeenth day of April next.—Dated New-York, the thirteenth day of Cobber, 1807.

BUZABETH SYMES.

NEW-YORK SUPREME COURT.—ISAAC P. HULL agt. JOHN MORRIS RESR.—Summons for money demand on contract (Con. net ser.).—To the defoudant above named: You are bereby summoned and required to another the series which will be filed in the ofewer the compaint in this selicon, which will be filed in the of-fice of the Clerk of the City and County of New York, at the City Hall in the City of New-York, and to serve a copy of your answer to the said complaint an the subscribers at their of-fice. No. 66 Wall street, in the City of New York, within twenty days after the service of this summens on you, ex-plaints of the day of push service; and if you fall to answer See, No. 66 Wall street, in the Ckty of New York, within twenty days after the service of this summen on you, exchange of the day of such service; and if you fail to answer the sail complaint within the three aforesaid, the plaintiff is this service will take judgment against you further sum of Two Handred and Thirty three Dollars and Fifty six Ce six, with interest from the twenty seventh day of July, one thousand eight hundred and fifty seven, beside the costs of this settlen. Dated October 3, 1857.

BCUDBER & CARTER, Detailed the Control of the Carter of the Control of the Control of the Control of the Control of the Carter of the Cart

The complaint in this action was duly filed in the office of the City and County of New York, on the twelfth day of October, 1877.

Old landw Wed\*

N. Y. SUPREME COURT.—Horace B. Class Y. SUPREME COURT.—Horace B. Classes, his, william H. Mellen, Daniel H. Conoking, Nathaniel P. Miller and Henry Stone, against David Thomas and Sdward Delson.—Summons for money demand on contract.—Cour. not cor.)—To the DEFENDANTS above named: You are hearby anatomoral and required to answer the complaint in this action, which will be filed in the offices of the Clerk of the City and County of New York at the City Hall in the City of New York, and to serve a cepy of your answer to the said complaint on the onbereibers, at their office, Ko. it! Broadway, in the City of New York, within twenty days after the service of this sumission on you, excludive of the day of such service; and if you fail to answer the said complaint within the time aforesaid, the plaintiff in this action will take judgment against you for the rum of \$1450 28, and interest thereon from the third day of October, 1257, beside the cests of this action —Dated New-York, October 5, 1857.

BARNEY, HUMPHREY & BUTLER.

Plaintiff Attorneys.

The complaint in the above entitled action was filed in the office of the Clerk of the City and County of New York afore aid on the sixth day of October, 1857.

BARNEY, HUMPHREY & BUTLER.
Plaintiffs' Attorneys.

VEW-YORK SUPREME COURT, City and NEW-YORK SUPREME COURT, City and County of New York.—ELBERT HOOGLAND and TANK B. WEST egt. A. H. HOUGH.—To the defendant: You say hereby suntmoned and required to answer the combining that action, which will be filed in the office of the Clerk of the Clerk of the said complaint on the subscriber, at his office, No. 106 Broadway, in the City of New York, within white the service hereof exclusive of the day of such ascrice; and if you fail to answer the said complaint within the time aforesaid, the plaintiffs in this action will take padgment spaint you for the sum of Two hundred and twenty-two solines and forty-six cents, with interest from the first day of November, one thousand eight hundred and fitty-six, besides the cost of this ection.—Dated, New York Suptember 13, 1857.

The complaint in this action was fixed in the office of the Clark of the City and County of New York, on the twenty-mink day of September, 1357.

WM. E. CURTIS, Paintiffs' Attorney.

CUPREME COURT.—CHARLES TAYLOR

of September, 1952.

Sid law W Pinintiffs' Attorney.

SUPREME COURT.—CHARLES TAYLOR Seguinst JOHN T. DAVIS and ROBERT MORAISON—Rummon for a money demand on contract. To JOHN T. DAVIS and ROBERT MORRISON—Sirs: You are hereby summerced to enswer the complaint in this action, of which a segy is herewith served upon yon, and serve a segy which served upon yon, and serve a segy of Nour Masser upon as at our office, No. 39 Wall street, city of Nour Masser upon as at our office, No. 39 Wall street, city of Nour York, within twenty days after the service hereof exclusive of the day of such a trice; and if you fall to answer the complaint as aforesaid the Plaintiff will take judgment against you for the sum of two thousand dollars, with interest from the seventh day of July, cent thousand eight hundred and fifty seven, basides the coals of this action. Dated September 7, 1857.

MAN & RODMAN, Plaintiff's Attorneys.

The amended complaint in the above action was filled in the effect of the Clerk of the County of Now-York, in the City Hall in the City of New-York, on the 9th day of September, 1857.

39 law for W

as havior W. M. & R.

SUPREME COURT.—City and County of New-York.—BARMON & WELLS and JONATHAN & CHRISTIE ret. JAMES OLMSIEAD and CHARLES PERPECT. To the above named defendants and each of them; You are bereby nummoned and required to asswer the complaint in this testion, which will be filed in the office of the City and County of New York, at the City Hail in end City, and to retwee copy of your answer to the end complain on the subsection of the city and county of New York, at the City Hail in end City, within their of the service, and if you fal to answer the said countries of the day of such service, and if you fal to answer the said countries of the city of the city

SUPREME COURT. - City and County of New York. - MARTHA HEALY ast. MICHAEL HEALY. - Summons for relief (Gem. not ser). - To the above named de fendant: You are hereby summoned and required se subwer to completin in this action, which was filed in the office of the completin in this action, which was filed in the office of the completin in the service of the service of the York, at the City Hall Cherk for our namer to the said complaint on the subscriber copy of our namer to the said complaint on the subscriber copy of our namer to the said complaint on the subscriber at the said service; and if yor sail to snawer the said complaint days after the service; and if yor sail to snawer the said complaint which the time sforward, the plaintiff in this action will apply to the Court for the relief demanded in the complaint. Date New York, October 3, 1837. BPENCER & SANFORD, of disawaww.

New York, October 8, 1897. BEESTLER & SANFORD, 616148/WWW.

SUPREME COURT.—WILLIAM W. HUNGORED AVIS and \_\_\_\_\_ BOHEM, composing the firm of Bohem & Davis of Philadelphia. Summons for money demand on contract. (Com. not. ser.) To the above-named defendants: You are hereby summoned and required to answer the completed in this action, which will be filed in the office of the Cirk of the City and County of New-York, at the City Hall in said city, and to serve a copy of your snewer to the said compliant on the subscribers, at their office, No. 39 Well street, Janucey Cont., in said City, within twenty days after the service of this summons on you, exclusive of the day of such service; and if you fail to answer the said compliant within the time aforesaid, the plaintiff in this action will take judgment against you for the warm of thirteen hundred and skryfour dollars and nineteen cents with interest from the four-teenth day of August, one thousand eight hundred and fifty-growth, besides the costs of this action — Dated October 2, 1857.

The complaint in the above action was filed October 12, 1857, in the office of the Cierk of the City and County of New York.

# New-York Daily Tribune

THE TURF.

THE LATE BARBAROUS TROTTING MATCH AT BRIDGEPORT.

On Friday, Oct. 23, as we briefly mentioned at the time, there came off one of those cruel and disreputable exhibitions, a long match between two trotting horses before wagons, at Bridgeport, Connecticut, for a wager of two thousand dollars. The authorities of Bridgeport, we are informed, as a condition of allowing the race, exacted an oath from the owners of the horses, which were named Broker and Unknown, that they had not and would not bet upon the "result." What this means is not very clear, for as the race was trotted for a match of \$2,000, and as it is not probable that the two thousand dollars came there of themselves, or that any body else contributed that amount to be trotted for, by Messrs. Dalton's and Taylor's horses, one is naturally led to suppose that Mr. Dalton, the owner of Broker, put up, or staked, or wagered one thousand dollars, and that Mr. Taylor, the owner of Unknown, put up or staked or wagered the other thousand, with an agree ment or understanding between them that the horse of the two which came out ahead and alive, in a trot of twenty-five miles, should take the whole sum of \$2,000. Now, to the eyes of any reasonably learned Theban

this amounts exactly to Mr. Dalton betting Mr. Taylor one thousand dollars that his horse Broker could beat the other gentleman's horse Unknown, in a trot of twenty-five miles, and neither more nor less than that; and if, having made that match or wager, the gentlemen in question took an oath that they had not bet on the result, why, we fear that they swore to what was not true, and that Bocotians of Bridgeport aided and abetted and encouraged them in doing to. By the way, one would like to know by what au thority or form of law the authorities of Bridgeport administered such an oath; also one would desire to b informed whether the said authorities administered or caused to be administered to every man, woman child and fool in the same town of Bridgeport a simi-lar oath, that they had not, and would not bet any-thing outside on the aforesaid trot. For, in the first place, it has been the prevalent idea of the opponents of racing, that the mischief to be apprehended arose not from the danger incurred by the incorrigible and benighted sinners, who themselves run horses, of losing their own money, but from the danger incurred by the population at large of being demoralized by the wicked spectacle of two fast horses going their fastest, and being thereby seduced and led astray into loose habits and gambling propensities, through the irresistible temptation of sporting their quarters or their dimes, which they cannot afford to lose, on the favorite pag. This view, however, seems to have been to large for the learned Bridgeporters, whose anxiety seems to have confined itself wholly to a regard for the peckets and the souls of Meesrs. Dalton and Taylor, and to have lain dormant is relation to the pockets and souls of the rising generation of Bridgeport. In the second place, as lovers of fair play, we must say that it strikes us as a little hard that Merers. Dalton and Taylor should be the only two men in Bridgeport who were not allowed be bet on their own horses, while all the other Bridgeporters were betting on the event to an un-limited extent. The only way in which we can at all understand the proceeding is this: that the authorities acted under the full conviction that there was no one all Bridgeport, except the two entire strangers Dalton and Taylor, who were sufficiently wicked to be tempted into the iniquity of a bet by any seduction, and that, strong in its own virtue, toto teres atque rotundus, the Young America of Bridgeport require no oath to keep its feet free from the snare and the stumbling-block. Of course, oaths are administered at Bridgeport previous to the opening of the polls, that, as a condition of voting, every citizen shall swear that he has not and will not bet upon the election; and generally, several times a year, that no citizen shall bet on the rise or fall of railroad stock, bank stock, or o her securities, by buying or selling upon time, which is rather a more demoralizing and ruinous sort of gambling than all the betting that ever has been, or ever will be, made upon either trots or races since the

begit ning of the world. Seriously speaking, however, we think the authori-ties of Bridgeport have simply made themselves ridic-ulous; and that they deserve to be, as they probably are, the laughing stock of haif the country, for thus straining at a gnat and swallowing a camel Had they prohibited the trot in toto, as a piece of un warrantable and reckless cruelty to the noblest anims that is suject to man, we should have landed them for their boldness and humanity-had they forbidder it, as likely to produce a noisy assemblage, to inculcate a bad example and encourage a love of gambling among the yourger part of the population, whether we agreed with them or not as to the fact, we should certainly have deemed them right in upholding such a principle. But to pass over the notorious and palpable cruelty, to take no notice of the pro miscuous outside gambling, and to en'orce a ridicu-lous oath on the owners of the horse not to be on the result, it being perfectly notorious to every body that the horres were going to trot for bet, and that no men in their senses would dream of ricking the driving to death of two valuable animalexcept for a bet, equal, at least, in value to the pecu niary amount of the risk, is simply a piece of tom

With regard to the trot itself, these horses, which had been previously driven a still more cruel match of 100 miles or upward, along a turnpike road, were brought cut on the 23d of October to perform a task which avowedly, notoriously, and as is well known to every sportsman alive, no horse whatever can perform except at imminent risk of his life, and, if his life be raved, at the almost absolute certainty of being ruined for life by the performance. The match was to trot twenty-five miles to wagons, and it differed it scarcely any respect from a match against time, the of ject not being to test the speed or courage of the horses, but to assertain which of the two could endure for the longest time a degree of toil and torture which ought to be inflicted on to horse. The distance was performed in 1 hour 36 minutes and 15 seconds the fastest half mile being accomplished in I minute 43 seconde, and the slowest in 2 minutes 4 seconds; the fastest mile in 3 minutes 294 seconds, and the slowest in 3 minutes 564 reconds. The only thing remarkable about it is the endurance of the two horses at one pace for the length of time; the speed not being comparable to Paul Pry's 187 miles in an hour, which, if carri d on, would have made 287 miles in I hour 36 I

witch would have made something above 31 if it could have been carried on to the same time. It must be pointed out, in order to understand the

real revesity and cruelty of these matches on the horse, and the warmth of reprobation with which we express ourselves against matches of this kind, that the difficulty of performing these feats and the tax on the powers of the animal consist neither in the time nor in the distance, but in the mode of performing it. For a good horse to travel 25 miles in an hour and a half, sometimes frotting, sometimes gallopping, and now and then pulled up into a walk, would be no extraordinary feat; nor to a horse of sufficient speed and bettom to do it at all, would it be, by any means, a severe, much less a cruel tack; but when it is all to be done at a trot, and at very nearly the fastest trot of which the animal is capable, it becomes laborious and severe even to agony. It is this which causes horses to break up, as it is technically termed, when trotting at their speed—not that they cannot maintain the spee i, but that they seek to relieve the strain on one set of muscles, caused by the long-continued repetition of the same action, by changing the movement and bringing another set of muscles into operation. It is worthy of remark, that no animal, in a state of nature, when it desires to increase its speed or rate of going-except when it is at i's utmost stretch of speed under the influence of terror or wild excitement-increases it by going at the fastest rate of whatever pace it has been previously going, but by assuming a moderate rate of the pace which is the next fastest. Thus, if a horse be walking at the rate of three miles an hour, in his pasture, if he desires to join his companion quickly at the other end of the field, he does not increase his walk to a five-mile gait, but strikes into a slow trot of five or six miles an hour, and goes the same distance in the same time at one half of the fatigue. So, if he be trotting at six miles in the hour, and desire to augment his pace to twelve, he takes off at a center or hard gallep, and does what he wants without the least distress. The only exception to this is when he is already galloping and can only increase his pace by galloping

Every man who has ever walked a distance fast, or for a wager, knows well the meaning of what is here stated. There is not, probably, one active, strong, healthy, able-bodied man in good condition, in fifty who could not go, in some way or other, partly running at a jog trot, partly walking, fifteen miles in three hours, or even twenty-five miles in five hours; but, on the other hand, there is not one man in fifty who could go the same at a walk. It is the maintenance of the same pace, not the maintenance of the speed, which kills. The same is the cause why trotting-horses keep continually improving on their original speed the longer they are in training— which is exactly the reverse of the case with racehorses-they become by severe practice used and accustomed to the one stress and strain, which as green torses they could not have endured for an hour.

For this reason it is that these trotting matches are unutterably cruel; they prove nothing but the capa-

bility to endure pain.

For another reason, they are utterly useless. Races, in the true sense of the word, prove stoutness; and as the performers in races are stallions and mares which are capable of propagating their breed, it is useful to know how stout they are, in order to judge how far it is advisable to breed from them. But nothing of the sort can be predicated about these trots, which are always performed by geldings-men who own valuable trotting stallions will not risk driving them to death for a paltry bet of one fifth of their value—of whem it matters not a farthing to any one except their owners how fast or stout they may be, or how much

agony they will bear without dying.

We were glad to see that Mr. Herbert, in his great book on the Horse, which we received a few days since, takes strong ground against these practices. If sporting men and sporting journals did so generally, they would stand better with the world and get rid of some of the feeling against them among the nonsporting community. For our part we should like to see all matches whatsoever against time, and all matches for anything above four-mile heats, made a misdemeanor by law, pucishable with fine and imprisot ment.

Union Course, L. I -TROTTING-Tuesday. Nov. Nov. 2, 1857. Purse and stake, \$450; mile heats, best

little cold on the course), and the track in good order. It was one of the most beautifully contested races ever d. Jake Oakley had speed, but wanted bottom. There was a large attendance present.

THE HOBOKEN HOMICIDE.

TRIAL OF FREDERICK CUEVA FOR THE MURDER OF OSCAR D'GRANVAL JUDGE OGDEN'S CHARGE.

VERDICT OF MANSLAUGHTER. HUDSON COUNTY COURT—Judge Ogden presiding, with Associate Justices Mourts and GRIFFITHS. Associate Justices Monris and Guiffiths.

From Our Own Reporter.

This protracted and exciting trial was brought to a

ciose last right, in the finding of a verdict of manslaughter. The Court opened at the usual hour yesterday morning, with a more numerous attendance than upon any previous day.

In addition to the crowd of people who have been

n regular attendance upon the trial, there was yesterday a large number present from New York and neighboring places, brought there not so much by an interest in the case as by a desire to hear the closing speech of the Hon. Wm. L. Dayton, who, a year ago vas so conspicuously before the public as a candidate for Vice-President. After the usual preliminaries of opening, Mr. A. O.

Zabrickie resumed his summing up in behalf of the defense, making an able argument occupying an hour and a balf.

Mr. Dayton took the floor at 11 o'clock, and, in a speech of over four hours, gave the evidence a thorough review and an ingenious handling. His effort was very generally acknowledged to have been a masterly one, and had the effect of producing among the audience a great revolution of opinion as to the result of the trial. At the conclusion, Judge Ogden

the audience a great revelution of opinion as to the result of the trial. At the conclusion, Judge Ogden delivered the following

CHARGE TO THE JURY.

GENTLEMEN OF THE JURY:—The curtain is now lifted for the last act of this eventful tragedy. Oscar De Granval expired on the 9th day of July last, and Frederick Cueva has been charged by the State with his death. Having passed the evening of the 8th in introcent merriment with his chosen companions, beleft at a seasonable hour, bending his steps in the direction of his mother's roof, for that beloved sleep which God giveth as "Nature's sweet restorer;" but ere the cound of the friendly "good night" was lost in the serenity of a calm summer moon, he became involved in a personal encounter with the defendant, the issue of which was the sleep of death. The couch whither he essayed to go for repose, soon became his death-bed, and its summer covering his winding sheet. Thus far you have been passive listeners to the sad story—seem you are to become responsible actors.

The testimony of all the eye and car witnesses of the unfortunate conflict is before you, with the views of the respective eminent counselors on either side as to its proper; bearing upon the improneence or guilt of the pulsetur at the bar, and when you shall have received from the Corrt the law, which constitutes the offense charged, and their view of the lead mode of applying and days sing of the evidence, you will withdraw to your etamber for the discharge of the most important duty that the regulations of society impree upon the chiefs. Before you apparate for your respective from the country of the lead mode of applying and days sing of the evidence, you will withdraw to your etamber for the discharge of the most importance of many than the regulations of society in the proper is the sea consending, if showed your propertive from since you are to find whether Casas has sade Befor availy his of the proper is the sea consending; if showed your propertive facus your respective facus your part time a sa minutes; much less to Trustee's 20 miles on hour, cont derives much gratification from the ferround nestions of law have arisen upon

of any testimony offered and received, which has salled for their separate judgment. It is to be regretted at all times, in the progress of legal investigations, that serious issues should occur between the Court and Counsel; but the rearetts much increased, when such differences arise during a trial, which is volves the life of a fell w being. There has been a straint few ture in the management of the case, which must have who the commendation of all who have marked its progress from day, to day. Altho we spent a werk in bringing out the testim my from some forty-there wincress, yet the line of examination and receive the counsel on the disce have bed but one counteously and farty conducted, that if should satisfy every caudid listener, that the counsel on hoth sides have bed but one common object in view, the ascertainment and elucidation of the truth. I cam't withhold these well merited remarks. The occasion for them has gratified my pride in the dignity and moral inference of the legal profession in our Stare exercised by high toned practitioners: and whatever may be the reselt of your final deliberations. I feel an abiding assersance that the parents of this unfortunate young man on returning to their freign home, whether in joy or in sorrow, must have the satisfaction of knowing that their son has received in a land of strangers, a fair, inpartial and unprejudiced trial, and that your verdet if unfavorable, was the housest result of the power of truth upon the judgment and consciences of twelve uprish, intelligent and independent men. They are too highly educated not to know that human is we are in perfect, and that it is impracticable to the activity of them. They are too highly educated not to know that human is we are in perfect, and that it is impracticable to the more than the more than a that the possibility, would destroy the "fillenery of our Courts of Justice. The preventing arm of legal punishment would be paralised, criminals would serve when the men therefore, the task of the possibility, woul

witting for the aid of the law, to other probable means of experient it existing, or done unavoidably in defense of one's professi'n, of his dwelling arsinst a tree-passer, who cannot be expelled without a degree of force necessary and proper for the purpose.

Or the killing of another may be felonious, amounting either to nurder or manishaughter—the former grade invoiving matice, the latter "arises from the nudden heat of the passions;" the former "from the wicaginess of the heart." The present indictment is sufficient in form and in substance to support a verifict of pulity of either of the grades of felonious homicide, murder or manshaughter, according to the proof of the exist-case or sheen of malice, if the fact of killing has been sufficiently established. Assuming, for this view of the case, that Gusea voluntarily discharge: the pixtle, and that the abot caused De Grandval's death, you may find the accused guilty of murder, if you are convinced by the proofs that the act was done with malice aforthought, either express or impited; or you may find him guilty of munisaingher, if you are assisted by the proofs that the alsy ing was not the result of a premoditate) purpose, but of the sudden heat of blood.

The law infers that a person intends the natural and probable effect of an act deliberately done, the law presumes to have been committed where the killing has been purp sely done, and has not been examed, justifis do runtificated to manishingher. A facia act deliberately done, the law presumes to have been committed with malice, and in each case it is put upon the accused to shew that he has dequate provocation, or that the offense was of a lesser grade, and did not amount to murder.

The requisite luggedient of malice may be made, where death enaus in a conflict one prevention, so that the offense was of a lesser grade, and did not amount to murder.

The requisite provedient of malice may be made, where death enaus in a conflict one provedient of the first degree, which is established by provedient of t

fax d by any establi-hed rule. It may be formed during a quarrel, and yet be of sufficient duration to characterize the offense as nurder.

A clear establishment of the murderous design is of more impertance than of the prime moment when the design was deliberately permitted to control the mind.

But it is said in defense that the explosion was accidental if yes abal as find the fact to be, it is our duty to instruct you what influence that fact should haveing have upon your verdict nony aspect of the case. If De Granval first laid hands upon Cueva from which assault the combat snued, and the pistol was discharged with ut the agency of dueva, it should have no effect upon your verdict. Such a killing abacid not characterize the offerse, if he be found guilty of any

But if Cueva commenced the assault intending only to use the cane, and in the soutile set on foot by himself the loaded pistol, which he had upon his person, accidentally exploided and canced death, he was guilty of mandaughter because the death resulted from his attempted execution of an unlawful act, less than a fenomy. The disadvantage under which he may be piaced by such a fatal accident is the consequence of carrying frequency upon his person. The custom is becoming sluege her too prevalent. We cas scarcely slame over a daily paper without reading of some person meeting an unlawful paper without reading of some person meeting an unlawful act, for the law justify draws from the practice unfavorable inference squinct those who findules in it. The habitual carrying of a loaded pistol can only be accounted foi upon the spoptobes that it is intended to be used whenever its passesor shall deem it necessary—thus jeopardizing the life of any citizen upon the abituary will of one who is armed at all times for a deadly conflict.

There is yet another matter of law upon which you should

that it is intended to be used whenever its passessor shall deem it necessary—that jeoparding the life of any citizen up m the arbitrary will of one who is armed at all times for a deadly conflict.

There is yet another matter of law up m which you should be instructed. It is the influence which the proof of the probing the wound by several physicians, and its probable effect upon the patient, should have upon your verdict.

The well-settled rue in such case I take to be this: If death enuse from a wound inflicted with malice, express or implied, though not in its nature necessarily fatal jim medical contemplation), but which being mismanned the party died, the foliation of the wound will not be excused, un was he can clearly establish that the mal treatment of the patty aided, the longest of the wound the set of the death "for if she wound the include of the party had not died." The law will not allow an offender to apportion his own wrong and to excuse or mitigate the results of his unitardial acts by proving the possibility of another one promotting the fatal end, which his violence was naturally calculated to produce.

Another important point has been made by the defense which calls for the views of the Court. I mean the degree or quantity of evidence necessary to support a verdict of guilty. The role is different from that which prevails in civil oases. In the latter, the Jury may weigh the proofs and may piace their verdict upon the prepondering sealer but in estimated trials, where the bengnity of the law presumes an accused party to be innocent until proved to be guilty, the evidence required shull generate a full belief of the facts charged, to the exclusion of all reasonable doubt. It should catalish the guilt to clearly that a reasonable doubt. It should catalish the guilt to clearly that a reasonable doubt. It should catalish the guilt to clearly that a reasonable doubt. The important inquiry will here arise in your minds, what is that doubt. What condition of our minds will justify az in sequiting

to act conscientiously upon it."

The sentiment expressed by Lord Haie is, that "it always is "asfer to ear in acquitting than in convicting; on the side of "nersy, rather than on the side of justice."

In this benishly metting to the accessed the benefit of such a resonable dipute, as I have attempted to define the law does not open to the Jury an unlimited field of inastinitre appealation. They are not thereby allowed to construct a dubt upon the fament of a fanctial brain, and thus require pro it to a absolute certainty, to the exclusion of the power of all circumstantial evided se.

I have now gentiennes, said all that it is my dary to declare upon the general principles of as which may arise to this case. I have now gentiennes, said all that it is my dary to declare upon the general principles of as which may arise to this case. I have now gentiennes, said all that it is my dary to declare upon the general principles of as which may arise to this case, in design of the speak without indicating an epinion upon the evidence which is before you. It is your exclusive right and dury to pass upon its credibility, and to determine its weight. Whenever, witnesses have conflicted, you must reconcile their testimony, if practicable; and if you cannot, you must decide where the truth him between them, and follow the dictates of your own best judement. It only refollow the dictates of your own best judement. It only resonable the state of the southful prisoner will be committed to your hearts, or the inferences which you should draw from them. Before entering upon that transfer disposing of the exclusive, however, to extress opinions which would influence your settlement of those facts, or the inferences which you should draw from them. Before entering upon that transfer during the settlement you are not to make accounted and if you would han situ upon the testimony offered souned, and if you would han situ upon the testimony offered souned, and if you would han situ upon the testimony offered souned, and if you would

blood or to hat ghim in any result which you may reach.

The Government has provided executioners of its laws; and if your judgment and considences, upon a candid, dispend, earnching examination and a consideration of the shole case, shall be satisfied to a moral certainty that the defendant is guilty as charged in the indistruction, be not determed from meeting your trapeolithilises by the fear that ever mand amon has shock will come and sit hefree you, as did that of images before Misbeth in the faithful discharge of your assem duty, you will be converted in the faithful discharge of your assem duty, you will be converted in the faithful discharge of your assem duty, you will be converted in the faithful discharge of your assem duty, you will be converted to the inner present of the state of the witnesses who have testined before you.

The contention of the State is that the defendant either killed the deceased with deliberate promeditated makes, or caused the death in the performance of an unlawful cet. In support of this theory, they rely show the testimony of the Niesen Charles, Miss Marchett, Mr. Burningham, Mrs. Stewart, Mrs. Mark, and Schermen, and the equipments with which the desendant was prepared when the boetile meeting took place. For the motive they refer you go what has been storn to by Barmingham and Miss Marchett, and for his criminal acts to the evidence of the other witnesses maned.

Miss huan Charles has sworn to enough to show that the defendant stood in he path of the deceased and artacked him without warning and fired the girst which instituted the fatal wound Miss Farsh Crarles has also testified to his standing in the path and at stack in the path of a pixel. They admittedly are the only persons who pretend to have been at the street fences the time, and, therefore, they are the only ones to when the prosecution could look for an account of the commencement of the unfortunate conflict Paryllaid swears that he did not see them until they were locitlely ergaged and here the could not speak to the commencement. Although Mrs. Start and Mrs Manks heard and saw the sentile from their windows and the discharge of a pixel, they did not witness the first meeting.

The only other person who testifies to seeing the beginning of the encounter is Miss Sally Thompkins. She says that Occar went down to Mr. Charles's gate, while she and Gueva were siltting upon their pixea; that Cneva inquired of her who it was, and our her reply that it was Ocan De Granval he exceused himself to her, saying that he wished to speak to Occar, went down to Mr. Charles's gate, while she and Gueva were siltting upon their pixea; that Cneva inquired of her who it was, and our her reply that it was Ocan De Granval he exceused himself to her, saying that he wished to speak to Occar, went down to the tocop and out of the gate, and when within about a foot and

follow those alleged corroborations, but shall leave them as presented by the counsel.

Having thus brought out the conflicting points in the principal testimony adduced on both aides, Judge Ogden gave the Jury a few suggestions for their guidance in determining upon the credit of what they had heard, and concluded with the hope that the God of Truth, unto whom all hearts are open and from whom no secrets are hid, would direct them with His most gracious favor, and enable them to pronounce a verdict which would upheld and maintain the integrity of the law, mets to the youthful prisoner the justice that would be due to a native-born citizen, and satisfy their own consciences as Christian men.

The Jury retired at 51 o'clock, and after deliberating for an bour and a half, decided upon a verdict. The Judges, however, did not return from his supper until 8 o'clock, at which time the Jury presented the nselves in Court and returned a verdict of Manslaughter. The Jury were then discharged, and the Court was adjourned until Tuceday of next week, at which time the prisoners will be arraigned for sentence. The law in New-Jersey makes the penalty of macslaughter confinement in the State Prison not less than two nor more than ten years.

#### CITY ITEMS.

Coming Home.—The Arago brings home a number of well-known citizens, among them August Belmoot, Henry C. Carey, the Rev. Dr. Cummings, and others. On Monday night, Col. Fremont, who has been in California, arrived in the Quaker City from Havana. On Tuesday morning, his wife, who has been on the other side of the world, in Europe, arrived in the Arago.

INTERESTING CEREMONY AT SABBATH-SCHOOL No. 117, CONNECTED WITH THE NORTH PRESETTERIAN CHURCH .- During the past month the visitors of the above tchool, who have for their field of labor that part of the city bounded by Twenty eighth and Thirtyseventh streets and Seventh avenue and the North River, have been making a second visitation for the purpose of doing good and filling up the Sabbath-School. The first attempt was made a year since, when the school increased from about 100 to 250 scholars. No relaxation of effort has been permitted, and last Sabbath a school of 517 scholars (of which the intant class numbers 164) and about 70 teachers were in attendance, and, with numerous friends, witnessed the presentation of two beautiful glass models of the n issionary ship, Morning Star, to the child and adult person who should have been most successful in inducing children to come in and connect with the school. The lecture-room of the church was densely crowded Miss Eliza McCord, an interesting young girl of 12 years, received the smaller model, she having brought in eight children. The larger one, inclosed in a beautiful vase, was presented Mr. Charles L. Doe, who during the past month has brought within the influence of Sabbath-School teaching 48 children. This young man, unaided, has during the year added 100 scholars to the roll. The precentation address was made by the pastor, the Rev. Dr. Hatfield, in his usual happy manner, and Mr. Doe replied with feelings of deep emotion. The thanks of the school were voted to the generous donor of the ships. The number of families visited by the above corps of visitors is 1,100; scholars admitted, 230; teachers, eight.

George J. Cornell, esq., of this city, died at his late residence in Hudson street, on Saturday last, at the age of thirty-reven. Mr. Cornell was connected with some of our most prominent charities, and was ever ready with his influence and abundant means to advance their humane objects. In the year 1849 he was elected a member of the Assembly by the constituency of the Fisch Ward, and was successful as a legislator and debater, even beyond the high expectations of his supporters and familiar friends. He was assiduous in the performance of his duties; and the profession at large were under great obligations to him for his un-tiring and intelligent efforts toward improving and perfeeting the new system of pleading, then lately inaugurated. So great and omtinuous were his endeavors in this regard, and so successful were the results deemed to be, that just before the adjournment, a vote of thanks to him was unanimously passed by the House. Subsequently he was nominated by the Whige for Lieutenant Governor; but was defeated by the An i-Renters, who combined on Washington Hunt, the Whig nominee for Governor, and Sanford E. Church, the Democratic opponent of Mr. Cornell. He was never afterward before the public for its uffrager; but up to the time when incapacitated for exciting duties by the illness which has since proved fatal to him, evinced an earnest interest in our municipal affairs and the public concerns of the country.

ATTEMPTING TO VOTE ILLEGALLY .- Officers Brady and Flynn of the Sixth Precinct yesterday afternoon arrested one John McLaughlin, charged with having attempted to vote illegally in the Fourth Poll District of the Sixth Ward. Later in the day, John Boyle, a vagrant, to all

appearance, presented himself at the Second Poll District of the same Ward, and offered to vote. He was promptly challenged, whereupon Boyle swore in his vote, at the same time making oath that he lived at No 8 Bayard street. A messenger was forthwith dispatched to the place designated to make inquiries, but seen returned with intelligence that Boyle did not live there. McLaughlin and Boyle were looked up in the Sixth Precinct Station House, and will be sent before the magistrate to-day. SUPPOSED WIFE MURDER-A WOMAN WHO HAD

BEEN TERRIBLY BEATEN FOUND DEAD IN BED-ARREST OF THE HUSBAND, -Information was received by Officer John Cannon of the Eighth Precinct, about 12] o'clock on Monday night, that Mary Cain, an Irish we man, who recided with her husband in the fithy basement of premises No. 173 Variok street, had just cied in her bed. The individual imparting the information was Robert Brencan who boarded in Cain's family. The officer accordingly went to the house, and there found Mrs. Cain lying in the bed, life being extinct. At the first glance Officer Cannon discovered that the left eye, as well as the face and head of the decrated were greatly discolored and amplien. Other marks of violence on various parts of the body were clearly perceptible. Cain, the husband of the deceared, was interrogated as to the maneer in which his wife received the ir justes, when he ets'ed that abe fell sgainet the stove while intoxicated, and bruised her tend and face; but as no outs or abrasions were apparent, his explanation was discretified. Several religibers who had heard of the death came is and stated to the efficer that Cair had been in the habit o cruelty beating the decessed, and that it was not us, negro.

frequent for him to turn her into the street late at night and keep her out till morning. Under the existing circumstances the officer believed it to be his duty to arrest Cain, who was partially intoxicated, and ac cordingly took him to the Station House Brennan was also detained as a wilness, as from the fact of his having lived in the family it is presumed he can give important testimony before the Coroner toushing the manner the deceased received the violence which her person exhibits. Coroner Hills was notified of the case, and repaired to the house yest-ridy aftersoon; but owing to the stress. but owing to the absence of witnesses, and the necessity of making a thorough post mortem examination, the inquisition was postponed till to-day. Meantime Officer Cannon, who has charge of the premises where the body lies, wil secure the attendance of such persons whose evidence it is thought will tend to e icit the facts of the alleged murder. Both the deceased and her husband were of in-temperate habits, and have long been addicted to ex-cessive drinking. Cain is a cobbler, and about 50 years of age. The deceased had a former husband, who it is said was some years ago tried and con victed of murder, and rentesced to be executed, but the Governor subsequently commuted the sentence to imprisonment for life.

ALLEGED FORGERY .- Roswell Hovey, a resident of by Justice Orborn, charged with having forged the name of J. Grundy, as indorser upon the back of a check for \$200, drawn upon W. W. Gilman. The check was presented to the Paying Teller of the Shoe and Leather Bank, and ceshed. Mr. Andrew V. Stout, Precident of the Bank above named, appeared as complainant. The accused is also charged with calling a forged check for \$358 to Mr. William A. Guest of No. 33 Wall street. The check was drawn upon the Farmers' and Mechanics' Back of Hartfud Hovey was taken before Justice Osborn, and committed to the Tombe for trial in default of \$1,000 bail on each complaint. The accused denies the charge, and expresses the belief that he will be able to establish his it noce nce.

FATAL ACCIDENT .- The 4:20 New-Haven trai from New York, on Monday, while going on the switch at Greenwich, Conn., ran against Isaac Lery, who was standing on the track, is juring him so seriously that he expired at 9 o'clock. He was a Prussian by birth, and was said to be partially demanded. He had every opportunity to get out of the way, as the had every opportunity to get out of the way, as the locomotive can be seen at the distance of

FATAL RESULT OF A FALL—On Monday after-noon, a gas fitter named William Alexander, who was em-ployed upon the third story of the house No. 730 Third avenue, iout his balance and was precipitated to the ground, thereby re-ceiving injuries which resulted in almost instant death. His remains were taken up and conveyed to the Mineteenth Pre-cinct Police Station, where Coroner Gamble was notified to

PICKPOCKET NABBED-Joseph McCullough was rested yesterday morning, charged with picking the pocket of a Frenchman named Junius Calpant, in Delanoey street, of a perternennale containing \$23. Officer Mills, who arrested the pickpocket, found \$20 of the money. The accused denied stealing the money. He said he picked it up in the street. Justice Wood committed McCallough to prison for examination.

Justice Wood committed McCollough to prison for examination.

DEATH BY BURNS.—Coroner Hills held an inquest at No. 424 Seventh avenue, on the body of James McCarby, a child I year 9 menths and 25 days old who died from the effects of burns. On the 26th ult the deceased was left alone in a room while the mother was down stairs, and during her absence the child west to the stove, from which his clothes caught from the servam were heard by the mother, who ran up stairs and extinguished the finames with all possible hasts, but not ustif the child was beelly burned, and from the affects of wideh holds. The Jury rendested a vended of "death by" congestion of the brain, superinduced by severe burns, and dentity received by his clothes takins fire, on the 28th of October, 1837, at No. 424 Seventh avenue."

STEALING A HORSE AND WAGON .- A young NTEALING A HORSE AND WAGON.—A young realow is maded William Henry, was arrested yesterday, charged wit stealing the horse and wagon of Mr. Cogswell Mr. Cogswelleft his wagon in Broome street, and during a few moments absence the accused, and a companion, name unknown, steppe into the vehicle and drove off. Officer Humphrey pursued the fellows and arrested Henry after a short chase of three or four committed Henry to prison for examination.

THE CRYSTAL PALACE AND THE GREAT FAIR.

Only two days more; go while you have an opportunity. The
Exhibition will positively close on Faiday Evening.

PURDY'S NATIONAL THEATER.-TO-NIGHT, the great Indian Drama of "Whitarro" is to be repeated at this fluring the first and form of "Whitarro" is to be repeated at this fluring the first and form of "Poter Bell the Wagneria" and form of the heat Opach." The "American Account," and form of the best Gymnasta that here over the peared in this city, give a series of their astemishing feats between the first and second pieces. They are worth the price of anniesing to see their

FRANGIPANNI, the most delightful and LASTING PERFUME. English BRUSHES in great variety English and Fr. neh Soars. The hest assortment of articles for the Tollet lable to be found in the city, at No. 309 Brondway, corner of Walker st.

### BROOKLYN ITEMS.

Attention is called to a Railroad meeting at the

Physician Censured.—Coroner Spell held an inquest yesterday, in the Seventeetth Ward, upon an independent of the Property of t

Fire.—Between 2 and 3 o'clock yesterday more a three-story frame house in Fifth street, near No. 22, or and occupied by Michael Malone as a dwelling and bakery, destroyed by fire. Loss on stock and building about \$1, parily insured.

ROBBING A MYNISTER.—On Monday evening the dwelling No. 165 South First street, occupied by the Rev. Mr. Smith. Pastor of the Grand street M P. Church, was estembly by thieves and robbed of property valued at 5 150. It consisted of a rosewood box containing aliver spoons, a gold locket and chain, with deguerrecty pe, valued at 5 55; a breaston, a purest containing \$50, a gold pen, gold clasp, and various other

## NEW-JERSEY ITEMS.

On Saturday last, on the Camden and Amboy Rail On Saturday last, on the Camden and Amboy Reliroad, there were some experiments made with the reliroad
signal, invented by Mr. Busser, for the prevention of secidants
at drawhridges, crossings of highways, switches and curves.
The signal operates as follows: At any desirable distance from
the bridge, switch or crossing, two cams are singlify projecting
from the rails; every wheel passing over the cams present them
down on a reck-sbitt, with an arm to which a rod is attached,
reaching to the place of danger, which causes the ringing of a
bell or gorg at the place, riving notice of the approaching train;
at the same time another bell or gong is rung beside the passing
train assuring the engineer that notice has been given, and that
"all's sight." The sparents is so arrenged that one bell camed
ring without the other I moving from the bridge, which or
crossing, neither bell can ring. This signal does away with the
liability to accident by reason of neglect. By its construction it
impossible that a drawbridge can be opened or as witch turned
without notice being given.

# LAW INTELLIGENCE

THE COURTS.

But little businers was transacted yesterday at the Tombe, Estex, or Jefferson Market Police Courts, and the Magistrates had rather an easy time. The clarks attached to the various Courts were away from the poets, and busily engaged in electionsering.

BROOKLYN SUPREME COURT—Special Team—Nov. 2
—Before Judge BINDESYS
—Herman Stahl sgt. E-ward C Charles and others.—
Sale of mortgaged premises set aside and resale granted, on terms.

In the matter of Julia A. Matthews and Amelia A.

Matthews, infants — Refered report confirmed, &c.

Matthews, infants — Refered report confirmed, &c.

The Middletown Bank agt Peter Morris et al.—

Motion to charge place of trial denied, with \$10 costs to plaintiff, to abide event.

There are Devenior et al. agt. John Grigor — Judgment

Motion to charge place of this tente, to adde event. Thorms Davenport et al. agt. John Grigg.—Judgment Thorms Davenport et al. agt. John Grigg.—Judgment et adde and defencent allowed to answer; \$10, costs of motion, set adde and defencent allowed to answer; \$10, costs of motion, set adde and defencent laws to be referred, for hearing and decision, if either party elects, to Samuel J. Wilkin Edmond S. Dudley agt. William S. Conant, impleaded.—Clerk's adjustment of costs affirmed, with \$7 easts

### FIRES.

About noon of yesterday a fire occurred in a stable belorging to Mr. Johnston, foot of Sixteenth street, North River. But little camage was done. The fire originated in the hay loft, but from what cause we did not a western. sot accertair.

A ledy in Holmes County, Miss., hung herself a short time since from mortification on account of her bashard having been caught playing cards with a